

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00322 DAE
	)	
Plaintiff,	)	
	)	MEMORANDUM OF LAW
vs.	)	
	)	
ABRAHAM NGUYEN MARTIN,	)	
	)	
Defendant.	)	
_____	)	

**MEMORANDUM OF LAW**

On December 5, 2005, this Court sentenced Mr. Martin to serve a 70 month term of imprisonment in the above-captioned matters. The Court stayed mittimus until March 6, 2006, in part because Mr. Martin's wife, Anna Anh Martin, was already serving her sentence of imprisonment of 16 months which began in October of 2005. Mrs. Martin will not be released from custody until approximately December of 2006 or January of 2007.

Mr. Martin is herein asking this Court to stay mittimus an additional four months so that at least one member of his family may remain out of custody to provide for their family, earn an income, and be able to attend his daughter's (Joanne Martin) graduation from Oregon State University in June of 2006. Attached as Exhibit "A" is a letter addressed to the Court from Joanne Martin.

Ms. Martin is scheduled to graduate in June of 2006, having majored in pharmacy. Ms. Martin, the oldest child in the family, is the first to graduate from college. She would very much like to have at least one of her parents attend her graduation ceremonies and is asking this Court to permit her father to remain on bail until she graduates.

In addition, as explained in the letter from Ms. Martin, because she is required to do internships as part of her course work, and because she is not permitted to be paid for her work as an intern, the family's finances have been severely strained, despite Mr. Martin working extra hours. Upon graduating in June, Ms. Martin must sit for and pass the licensing boards before she can obtain gainful employment. That may take a month or two after she graduates. Thus the request herein for a new self-surrender date of, at a minimum, July 2006.

Counsel has spoken this date with Pretrial Service Officer David Kahunahana who has informed counsel that Mr. Martin has been in full compliance with the conditions and terms of his release since his sentencing date in December of 2005.

DATED: Honolulu, Hawaii, February 3, 2006.

/s/ Alexander Silvert  
ALEXANDER SILVERT  
Attorney for Defendant  
ABRAHAM NGUYEN MARTIN